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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,560	10/30/2002	Michael J. Wech	9423.17675-EFS	7628

26308 7590 05/06/2003

RYAN KROMHOLZ & MANION, S.C.  
POST OFFICE BOX 26618  
MILWAUKEE, WI 53226

EXAMINER

FRANK, RODNEY T

ART UNIT PAPER NUMBER

2856

DATE MAILED: 05/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/065,560

Applicant(s)

WECH ET AL.

Examiner

Rodney T. Frank

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 and 17-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of Group III claims 11-16 in Paper No. 6 is acknowledged.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 11 recites the limitation "said end blocks". There is insufficient antecedent basis for this limitation in the claim.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lyden (U.S. Patent Number 3,540,276), and further in view of Rieke et al. (U.S. Patent Number 5,379,913; hereinafter referred to as Rieke). Lyden discloses the liquid level gauge includes a guard or shield enclosure for the sight glass comprising a pair of aligned hollow end members vertically spaced from each other. A channel-shaped member extends between the end 15 members and the respective end members have a portion thereof disposed in the corresponding end portion of the channel recess and are secured therein. Fastening means are provided for mounting the gauge

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onto a container and placing the container contents in communication with 20 at least one of the end members and consequently with the sight glass (please see the abstract).

In regard to claim 11, Lyden discloses in column 2 referring to figures 1-4 a fluid level verification apparatus (11) for a fluid container comprising a tubular sight member (12) defining a conduit and having opposite ends, a shield member (14) adapted to receive the tubular sight member having a cylindrical bore, a pair of longitudinally spaced apart end members (15 and 16) each with hollow interiors having cylindrical projections extending therefrom in facing and axially aligned relationship with said sight member; each projection having an axial through bore communicating with the hollow interior of the corresponding end member and further including a circumferential surface exteriorly thereof; and the shield member is secured internally. The internal securing means is not an indentation caused by a punch, rather a spot weld, as disclosed in column 2 lines 63-67. However, Lyden does disclose that a spot weld or other suitable bonding means to secure the channel shaped member (17) of the shield (14) may be used.

Rieke discloses a flange fitting for attaching to the lid of a drum includes a seal tube having a generally cylindrical main body with a relatively thin wall and an outwardly radiating frustoconical lip extension. Also included as part of the flange fitting is a standard drum plug flange having a generally cylindrical main body and an outwardly radiating, frustoconical lip. The drum plug flange is sized and shaped so as to fit within the seal tube such that the lip extension and the lip are generally coextensive with each other. These two components are then able to be anchored into the lid of the drum through a punch press operation which simultaneously clamps and crimps both the lip and lip extension into a raised boss recess thereby precluding any preassembly, such as by welding, of the seal tube and drum flange prior to assembly to the drum lid (see abstract). In short, Rieke discloses a method of securing two parts together in a fitting relationship utilizing a punch

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and indentation means to secure the parts together. The motivation to combine the teachings of Rieke with the teaching of Lyden is that welding, riveting, threading, crimping, glueing, etc. are all well known means of securing or attaching parts. While Lyden uses a spot weld means to secure the casing, Rieke discloses another method of securing parts in fitting relationship such as to provide a seal the utilizes a method other than welding. In fact, the Rieke method specifically discloses the use of a punch to make indentations to secure parts together (see column 4 lines 36-54).

In reference to claims 12-15, the apparatus as described in the claims is disclosed in reference to figures 1-4 of the Lyden reference.

In reference to claim 16, though there is no specific mention of a thermometer included in the tubular sight member, it is well established in the art to manufacture a sight gauge apparatus that includes a thermometer.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney T. Frank whose telephone number is (703) 306-5717. The examiner can normally be reached on M-F 9am -5:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (703) 305-4705. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-3431.

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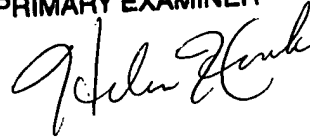
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RTF

May 1, 2003

HELEN KWOK  
PRIMARY EXAMINER

A handwritten signature in cursive script, appearing to read "Helen Kwok", written in black ink.